

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21686 of 2004

Between:

- 1 Kotagiri Venkata Swamy, S/o Late K. Venkata Narayana,
R/o 2-5-701, Subedari, Hanamkonda, Warangal District.
- 2 Kotagiri Krishna Swamy @ Babu Rao, S/o Late K. Venkata Narayana,
R/o 2-7-183, Excise Colony, Subedari, Hanamkonda, Warangal District.

..... PETITIONER(S)

AND

- 1 The Assistant Director, Survey and Land Records, Warangal.
- 2 The District Collector, Warangal.
- 3 Kakatiya University, Rep. by its Registrar, Kakatiya University Campus,
Vidyaranyaपुरi, Hanamkonda, Warangal - 500 009.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, especially one in the nature of Writ of Mandamus declaring the action of the 3rd Respondent issuing Proc.No. 197/A9/LC/KU/2004 dt. 17-11-2004 to the Surveyor working in the office of the 1st Respondent as if there is a matter pending i.e., Second Appeal as illegal, intentional, malafide, arbitrary and consequently set aside the said proceedings as illegal.

Counsel for the Petitioner: MR.K.V.BHANU PRASAD

Counsel for the Respondent No.3: MR.DEEPAK BHATTACHARJEE

Counsel for the Respondents 1 and 2: G.P. for Revenue

The Court, at the stage of admission, made the following :

ORAL ORDER:

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Heard the learned counsel on either side and at their request the writ petition itself is disposed of at the stage of admission itself.

Questioning the impugned order dated 17.11.2004 passed by the 3rd respondent-Registrar, Kakatiya University, wherein the 3rd respondent was not in favour of conducting survey of the land in Sy.No.214 of Kumarapally village, Hanmakonda Mandal, since the Second Appeal is pending before this court, the petitioners filed the present writ petition.

The brief facts of the case are that the petitioners have been in possession Ac.5.10 guntas of land in Sy.No.214, Kumarapally village, Hanamkonda. When a part of the said land was required by the 3rd respondent University over an extent of Ac.0.28 guntas, for construction of P.G. Center, the same was acquired from the petitioners by paying the compensation. After the said acquisition, the remaining

land of Ac.5.10 guntas has been in possession of the petitioners, which was denoted as Sy.No.214/1 and the land of Ac.0.28 guntas, which was in the possession of the 3rd respondent, was denoted as Sy.No.214/2. It is the case of the petitioners that since the 3rd respondent-University is interfering with their peaceful possession, they filed O.S.No.218 of 1994 for permanent injunction, which was dismissed. They carried the matter by way of appeal in A.S.No.81 of 1998, which was decreed in their favour. Even after their success in the appeal, since the 3rd respondent-University is interfering with their possession, they made representation to the 2nd respondent-Collector on 2.6.2004 and 24.9.2004 for suitable orders for demarcation of the boundaries in Sy.No.214. On the basis of the said representations, the 2nd respondent-District Collector issued notice to the 3rd respondent-University on 11.11.2004. After receipt of the said notice, the 3rd respondent passed the present impugned orders to the effect that in view of the pendency of the Second Appeal before this Court, it is not possible to measure the land in Sy.No.214 as the records pertaining to the same was handed over to the Standing Counsel appearing in the case.

When the matter came up on earlier occasions, the learned Standing Counsel for the University took adjournments to find out whether the Second Appeal is admitted or not. Now, he represented that the Second Appeal has not been admitted, so far. He further makes his stand clear that he has no objection for conducting survey by the 1st respondent over the entire extent of land in Sy.No.214, including that of Sy.No.214/1, which is owned by the petitioners.

Under the above circumstances, even though the Second Appeal has not been admitted yet, there is no reason to deny the request of the petitioners to conduct survey. Therefore, I direct the respondents 2 and 3 to conduct survey over the land in Sy.No.214 of Kumarapally village, Hanamkonda Mandal, including that of Sy.No.214/1, as early as possible.

With the above directions, the writ petition is disposed of. No order as to costs.

14.12.2004

CVM

- 1 The Assistant Director, Survey and Land Records, Warangal.
- 2 The District Collector, Warangal.
- 3 Kakatiya University, Rep. by its Registrar, Kakatiya University Campus, Vidyaranyaपुरi, Hanamkonda, Warangal - 500 009.
4. 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
5. 2 CD copies.